THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION No.19833 OF 2005

Dt:21.09.2005

Between:

Padala Macha Rao, S/o.Subbarao

O/o.M.P.P.School, Veeravaram,

Kirlampudi Mandal and others

… PETITIONERS

AND

The District Educational Officer

East Godavari, East Godavari District

and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.19833 OF 2005

ORDER: ***(per the Hon'ble Smt.Justice T.Meena Kumari)***

This Writ Petition is filed by the petitioners to quash the Order dated 16.08.2005 in

O.A.No.4338 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad and consequently to direct the respondents to promote them to the post of School Assistant (English) by implementing the promotion counselling seniority list dated June, 2003 issued by the first respondent from 19.06.2003 on which date the other Secondary Grade Teachers were promoted to the post of School Assistant in other disciplines in terms of the Judgment dated 24.09.2003 in O.A.No.3607 of 2003 and batch before considering the case of the candidates who are not qualified as on June, 2003 by holding the action of the respondents in not promoting the petitioners to the post of School Assistant (English) and considering the cases of unqualified candidates as illegal and arbitrary.

It is the case of the petitioners that they are originally appointed as Secondary Grade Teachers and are fully eligible and qualified for promotion to the post of School Assistant (English) under the control of the respondents. That being so, the Government has issued G.O.Ms.No.49, Education dated 14.05.2002 prescribing the qualifications for the post of School Assistant (English/Physical Science) and in terms of the guidelines issued by the second respondent, the first respondent has prepared the eligibility list of seniority dated June, 2003 of Secondary Grade Teachers for promotion to the post of School Assistants (English/Social Studies/Biological Sciences/Maths). As per the Schedule given by the second respondent for effecting promotions, counselling for the posts of School Assistant was scheduled from 09.06.2003 to 11.06.2003 and that the petitioners were called for verification of Certificates on 05.06.2003 as per the said seniority list to enable them to get promotion to the post of School Assistant (English). While the matter stood thus, the Government has issued G.O.Ms.No.71 Education dated 07.06.2003 by amending the requisite qualifications prescribed in the statutory rules issued in G.O.Ms.No.49 for the post of School Assistant. Assailing the same, the petitioners along with others have filed O.A.Nos.3607 of 2003 and batch before the Tribunal.

It is submitted by the learned counsel for the petitioners that the Tribunal allowed the above mentioned O.A.Nos.3607 of 2003 and batch on 24.09.2003 by setting aside G.O.Ms.No.71 and directed the respondents to proceed with the promotions to the category of School Assistant (English/Physical Science) in terms of the amendment under G.O.Ms.No.49 Education dated 14.05.2002 within a period of six weeks from the date of receipt of the Order. It is also further submitted that alleging violation of the said Orders, a contempt case also has been filed and the same is still pending.

Since the relief sought for by the petitioners in this Writ Petition has already been granted by the Tribunal, we do not find any reason to entertain the Writ Petition and the same is accordingly dismissed.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 21.09.2005

bsv/lvl